

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE TWENTY FIFTH DAY OF JUNE

TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO : 963 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order
dated 26/04/2004 in WP NO. 32545 OF 1997 on the file of the High
Court.)

Between:

Smt. V.Kameswari W/o V.V.Ramana Rao
Correspondent, Blue Star Aided Convent., Pithapuram, East
Godavari Dist

..... APPELLANT

AND

- 1 The Director of School Education , AP,. Hyd
- 2 The Regional Joint Director of School Education Kakinada , East
Godavari District
- 3 The District Educational Officer , East Godvari District Kakinada

.....RESPONDENTS

Counsel for the Appellant: SMT.N.(P).ANJANA DEVI.

For the Respondent No.: GP FOR SCHOOL EDUCATION

The Court made the following:

ORAL JUDGMENT: (per GB. J.)

The Writ Appeal is filed against the order passed by the learned single Judge in Writ Petition No.32545 of 1997, dated 26.4.2004.

2. The Director of School Education, Andhra Pradesh-1st respondent issued show cause notice dated 26.10.1997 calling upon the petitioner to submit explanation. Aggrieved by the said order the petitioner filed the above Writ Petition. The said Writ Petition was disposed of directing the petitioner to submit explanation and the same shall be considered by the authorities in accordance with law. Against the said order, the present Writ Appeal has been filed.

3. The only grievance urged by the learned counsel for the appellant is that the Management did not admit that Ch.Jyothirmmai, teacher, had applied medical leave from 21.12.1993 to 23.2.1994, and accordingly she submits that if the admission is recorded, there will be nothing for the petitioner to submit explanation. Therefore, she submits that the order to that extent should be modified.

4. The contention of the appellant is that the appellant is aggrieved by the following observations of the learned single Judge:

“Insofar as the first allegation is concerned, it is

not a subject matter of dispute in writ proceedings, because it is an admitted case that Ch.Jyothirmai applied leave from 21.12.1993 to 23.2.1994 but the correspondent has claimed the teaching grant irregularly for the period from 22.12.1993 to 28.2.1994. Therefore, the writ petitioner has to give an explanation for the said irregularity and it is for the appropriate authorities to consider the same in accordance with law”.

5. Inasmuch as the learned counsel for the appellant submits that there was no admission and she takes this Court through the averments made in the Writ Petition, we are of the considered view that the matter has to be considered without reference to the observations made by the learned single Judge referred to above.

6. Accordingly modifying the order of the learned single Judge to the limited extent, the Writ Appeal is disposed of. The appellant is directed to submit explanation as directed by the learned single Judge within a period of six (06) weeks from the date of receipt of a copy of this order and the same shall be considered by the authorities concerned, without taking into consideration the observations made supra, and pass final orders in accordance with law within a period of six (06) weeks thereafter. No costs.

(G.BIKSHAPATHY, J.)

25th June, 2004.

(B.SESHASAYANA REDDY, J.)

SSR

Note: Issue copy in one week.

(BO)

Copies to

1. The Hon'ble Sri Justice G.Bikshapathy (for His Lordship's kind perusal).
2. The Hon'ble Sri Justice B.Seshasayana Reddy (for His Lordship's kind perusal).
3. The Director of School Education , AP,. Hyd
4. The Regional Joint Director of School Education
Kakinada , East Godavari District
5. The District Educational Officer , East Godvari District,
Kakinada
6. 2 CCs to G.P. for School Education, High Court Buildings,
Hyderabad.
7. 2 CD Copies.